Exhibit 4

audio representation and see if it's actually "Lean On Me."

And to do that, basically you're comparing -- you're trying to play back what you just downloaded from BitTorrent, turn it into some audio, and then compare it against what Audible Magic says is, ah, this is "Lean On Me."

Q. Okay. And does that process help with eliminating these ambiguities?

A. In many cases, yes, it can do so.

Q. Let's talk about -- you said that -- so we've talked about peer-to-peer networking. You said that you were going to talk about how the MarkMonitor system was capable of operating and how it operated for CAS.

Were there any particular documents that you found helpful on that subject?

A. We're looking at three of those right here. I can describe them to you.

Q. Tell us what they describe, please.

A. So the one on the left is MarkMonitor's description of the -- of its system as it operated.

Q. And what exhibit is that, please?

A. That is DX 19 as I see it.

Q. Okay.

A. The second, I'm sure fresh in our minds, is the Harbor Labs audit of the MarkMonitor antipiracy system. That's Exhibit DX 89.

And then over on the right side, we have DX 130, which is a similar audit that was performed by Stroz Friedberg.

Q. Okay. And you heard the testimony from Mr. Bahun about MarkMonitor's system, right?

A. Yes, I did.

Q. And you heard the testimony just now from Mr. Monson about the Harbor Labs report?

A. Yes, I did.

Q. And the jury will hear from Mr. Rubin of Stroz Friedberg, but you've read his deposition and read the report, right?

A. Yes.

Q. Okay. Did you prepare a slide that summarizes the key steps of the process that was implemented for the Copyright Alert System?

A. Yes, I did.

Q. What does this slide show?

A. Okay. So we've heard about this in some previous testimony, but I'll relate it and explain it as I understand it.

Okay. So there are four steps in this process. We're going to go through each one of them in more detail. Okay. But the first -- step one is locating and downloading a potentially infringing file on the peer-to-peer network. So in that step, it's basically going to do the full download.

Okay. Step two, right, what we just talked about,

right. So after the download, you've got to figure out, what the heck did you just download. Okay. So step two is perform that digital fingerprinting process that we just described to say, is that a work -- is that an infringing work.

Okay. Step three, right. We talked about two aspects that -- you know, two things we're trying to discover. One is, what is this thing? And the other is, what are the peers actually doing. Right.

So essentially in parallel to step two is an investigation of peers on the peer-to-peer network. So MarkMonitor has a piece of software that basically acts as an agent going out on to the BitTorrent or peer-to-peer network, I should say, to try to determine whether or not a peer is sharing a file in all or in parts.

And then finally, if through steps two and step three the MarkMonitor software determines that there is an IP address on the Internet -- I didn't say what an IP address was, but basically a machine on the Internet that's identified by an interpret address. Right. Says, okay, I found a peer located at that place on the Internet that appears to be sharing a piece of this infringing work, now I'm basically going to send a notice to the corresponding ISP.

And that's something that you can do because you can map the IP address to the corresponding ISP.

Q. Okay. And have you prepared some slides that illustrate

each of these steps?
A. Yeah, let's talk about each of them in more detail.
Q. Okay. Let's talk about step one. So what does this slide show about how step one is performed?
A. Right. So in this case, you know, we've already talked about how a search on a peer-to-peer network would work. And this step operates in substantially the same way as what we described.

So MarkMonitor has a piece of software, an agent, that basically goes out on a peer-to-peer network and attempts to download a complete copy of that file.
Q. And then what happens?
A. Just as we described before, if all goes well, the agent obtains a complete copy of that file.
Q. Okay.
A. That's step one.
Q. What's -- what does your slide show about step two?
A. Right. So this is, this is sort of what I was just saying before, is that, okay, the file has been downloaded and assembled. I don't know what it is. So let's now ask Audible Magic, what is this? Is this something that is recognized in this database as an infringing work?
Q. Okay.
A. Okay.
Q. And then what does this slide illustrate about that step?

A. Okay. So basically this is a simplification. I should say, that there are a variety of ways that Audible Magic does digital fingerprinting that we're not going to get into. But essentially what this is showing is on the top half, this is the downloaded file, right, we take that bag of bits and convert it into some signal, wave form, audio essentially. I'm simplifying, but that's essentially what's going on. It's called a fingerprint.

And then that gets submitted to Audible Magic and compared against what's on the bottom half of the screen, that's called the reference file. If those match, all right, or if Audible Magic has something in its database that matches that, it's going to say, yep, there's a match, I got it, and here's what it is.

Q. Before we get to the next slide, I want to look at some of the documents you put up previously --

A. Okay.

Q. -- and the jury has heard about. So can we get Defendant's Exhibit 89 in evidence, the Harbor Labs report.

And this is the report that Mr. Monson testified about just earlier this afternoon, right?

A. That's right.

Q. Can we go to page 3 of the exhibit, please, 003.

Can you blow up the -- I'm sorry, 004. Can you blow up the -- from the header design down to the paragraph beneath